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REMARKS

By this amendment, claims 1-50 are pending, in which claims 1, 9, 23, 24, 26, 27, and 32 are currently amended, claim 50 is newly presented, and no claims are canceled or withdrawn. No new matter is introduced.

The Office Action mailed March 9, 2004 objected to claims 9 and 24 and rejected claim 23 under 35 U.S.C. § 112, second paragraph, claims 1-3, 5, 7, 15-17, 22, 26-28, 30, 32, 39-41, and 46 under 35 U.S.C. § 102(b) as anticipated by *Nilakantan et al.* (U.S. 5,541,911), claims 4, 21, 29, and 45 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Kloth* (U.S. 6,598,034), claims 6, 8-14, 18, 23-25, 31, 33-38, 42, and 47-49 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Gai et al.* (U.S. 6,167,445), claims 19 and 43 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Gibson et al.* (U.S. 6,680,943), and claims 20 and 44 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Jorgensen* (U.S. 6,452,915).

Claims 27 and 32 have been amended to resolve noted cosmetic informalities.

Claims 9 and 24 have been amended to resolve cosmetic informalities as objected to by the Office Action, and thus overcome the objection by the Office Action.

Claim 23 has been amended to resolve a claim dependency informality. Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112.

Amended independent claim 1 recites "said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an **external processor included in said network access system for implementation of the policy-based services by the external processor**, wherein said packet header filter passes all other received

messages to an other processor.” (See, e.g., specification, page 5, lines 22-30 and page 13, lines 27-30) Amended independent claim 26 recites “**filtering** the series of packets at the programmable access device **to identify messages upon which policy-based services are to be implemented**; passing identified messages to an **external processor included in the network access system for implementation of the policy-based services by the external processor** and for messages that are not identified, routing packets by reference to a forwarding table in the programmable access device and outputting the routed packets at a second network interface of the programmable access device.”

With regard to claims 1 and 26, the Office Action contends that the recited “packet header filter” of claim 1 is disclosed by *Nilakantan et al.* at col. 4: 62-64, and the recited “wherein said packet header filter identifies messages ... on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor” of claim 1 is disclosed at col. 2: 44-47 and col. 6: 37-48. (Office Action, page 3, lines 6-13) However, the cited passages refer to “data forwarding resources” which forward data packets originated by users of a remote network across a communication link to a central device in response to characteristics of the packets, and filter and spoof resources which are utilized to control multicast and broadcast background traffic which is not necessary for communication across a WAN link 90 to a central node 92. In the context of the cited portions of *Nilakantan et al.*, a leaf node 91 is a remote interface for the central node 92 which forwards packets that are addressed to the interface on the central node for the leaf network across a WAN link 90 to the central node for routing, and forwards packets received across the WAN link 90 which are not addressed to the leaf node 91 to the attached network.

Upon review of *Nilakantan et al.*, Applicants note that a Smart Filtering Agent 30 of *Nilakantan et al.* implements a filter that **detects packets that need not be forwarded** to the

central node, and **prevents** forwarding of such packets. (col. 5: 10-14) There is no suggestion or disclosure that the Smart Filtering Agent 30 packet header filter “identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and **passes identified messages** via a message interface to an **external processor included in said network access system for implementation of the policy-based services by the external processor**” and “passes all other received messages to an other processor.” Thus, Applicants respectfully request withdrawal of the rejection with respect to amended independent claim 1.

Similarly, regarding amended independent claim 26, there is no suggestion or disclosure of the Smart Filtering Agent 30 packet header filter “**filtering** the series of packets at the programmable access device **to identify messages upon which policy-based services are to be implemented**; passing identified messages to an **external processor included in the network access system for implementation of the policy-based services by the external processor** and for messages that are not identified, routing packets by reference to a forwarding table in the programmable access device and outputting the routed packets at a second network interface of the programmable access device.” Thus, Applicants respectfully request withdrawal of the rejection with respect to amended independent claim 26.

The rejection of dependent claims 2-3, 5, 7, 15-17, 22, 27-28, 30, 32, 39-41, and 46 should be withdrawn for at least the same reasons as their respective independent claims, and these claims are separately patentable on their own merits.

With regard to the obviousness rejections of claims 4, 21, 29, and 45, Applicants respectfully submit that the deficiencies of *Nilakantan et al.* are not cured by the secondary reference of *Kloth*, particularly with respect to “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to

be implemented and passes identified messages via a message interface to an **external processor included in said network access system for implementation of the policy-based services by the external processor**, wherein said packet header filter passes all other received messages to an other processor.” *Kloth* is cited as teaching “a system involving packet filter [sic] and policies that includes [sic] analyzing protocol layers higher than layer 3” and that “RSVP can be used and identified in an edge router.” (Office Action, page 4, line 24 - page 5, line 11) Thus, Applicants respectfully request withdrawal of the rejection with respect to claims 4, 21, 29, and 45.

With regard to the obviousness rejections of claims 6, 8-14, 18, 23-25, 31, 33-38, 42, and 47-49, Applicants respectfully submit that the addition of *Gai et al.* fails to satisfy the feature of “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an **external processor included in said network access system for implementation of the policy-based services by the external processor**, wherein said packet header filter passes all other received messages to an other processor” as recited by claim 1. *Gai et al.* is cited for a supposed teaching of a way to identify and mark packets that do not conform with traffic parameters, as teaching issuing thresholds for priority queuing and traffic classes, a plurality of output buffers, a scheduler, the use of user priority, and a reporting interface.

With regard to the obviousness rejections of claims 19 and 43, Applicants respectfully submit that the addition of *Gibson et al.* fails to satisfy the claimed feature of “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an **external processor included in said network access system for**

implementation of the policy-based services by the external processor, wherein said packet header filter passes all other received messages to an other processor.” *Gibson et al.* is cited as teaching the use of Session Initiation Protocol (SIP) messages.

With regard to the obviousness rejections of claims 20 and 44, the combination of *Nilakantan et al.* and *Jorgensen* similarly fails to teach “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an **external processor included in said network access system for implementation of the policy-based services by the external processor**, wherein said packet header filter passes all other received messages to an other processor.” *Jorgensen* is cited as teaching identifying Internet Group Multicast Protocol messages. Thus, Applicants respectfully request withdrawal of the rejection with respect to claims 4, 6, 8-14, 18-21, 23-25, 29, 31, 33-38, 42-45, and 47-49.

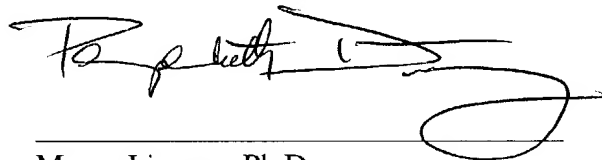
Newly presented claim 50 is drawn to a device and recites “a policer configured to discard packets determined as nonconforming to a first traffic parameter; a first packet header filter coupled to the first network interface and to the message interface, wherein the first packet header filter identifies messages, received from the first network interface, on which policy-based services are to be implemented, wherein the first packet header filter passes the identified messages to the external processor via the message interface and passes all other messages received from the first network interface to the policer; a marker configured to discard packets determined as nonconforming to a second traffic parameter; and a second packet header filter, different from the first packet header filter, coupled to the second network interface, wherein the second packet header filter identifies messages, received from the second network interface, on which policy-based services are to be implemented, wherein the second packet header filter passes the identified messages to the external processor via the

message interface and passes all other messages received from the second network interface to the marker." The applied art fails to disclose the above features. Care was exercised to introduce no new matter (*see*, e.g., specification, page 13, line 7 - page 17, line 17).

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-6499 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.



Margo Livesay, Ph.D.
Reg. No. 41,946

Phouphanomketh Ditthavong
Reg. No. 44,658

Attorney/Agent for Applicant(s)

6/7/04
Date

10507 Braddock Road
Suite A
Fairfax, VA 22032
Tel. 703-425-6499
Fax. 703-425-8518